

IN THE
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF ILLINOIS - WESTERN DIVISION

FILED

JAN 15 2008

JAMES RUSSELL JOHNSON,

Plaintiff-Detainee,

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

- V. -

Case No.: 08C50002.

STATE OF ILLINOIS,

WINNEBAGO COUNTY SHERIFF:

RICHARD MEYERS;

Respondent,

MOTION FOR EVIDENTIARY HEARING

NOW COMES the Plaintiff-detainee, James Russell Johnson, to move this Honorable Court with a *Motion for an Evidentiary Hearing* pursuant to 28 U.S.C. § 2246. In support thereto, the Plaintiff-detainee represents whereas:

1. That upon January 02, 2008, the Plaintiff-detainee presented an *Emergency Petition for Habeas Corpus Relief* before this Honorable Court;

2. That the aforementioned *Emergency Petition for Habeas Corpus Relief* is colorable, viable, meritorious and is presented before this Honorable District Court in good faith;

3. That a habeas corpus pleading is a strong remedy and is reserved for serious violations of Constitutional rights. WALETZKI V. KEOHANE (7 Cir. 1994) 13 F. 3d 1079, 1081. The prompt dispositions of petitions for habeas corpus relief is highly desirable, especially given the writs

...historical function of protecting citizens from arbitrary detention. At some point delay in the disposition of a petition for habeas corpus relief...might infringe the petitioner's rights to due process of law. RUIZ V. CADY (7 Cir. 1981) supra, 660 F.2d 337 at 340; cf. ALLEN V. DUCKWORTH (7 Cir. 1993) 6 F. 3d 458, 459; "[The Court] is mindful of long delays in a number of districts...; This is a deplorable situation...; BLEITNER V. WELBORN (7 Cir. 1994) 15 F. 3d 652 at [4];

4. That the Plaintiff-detainee is being unreasonably prejudiced and asserts whereas [he] is being denied meaningful access to the Courts, equal protection of law, and both procedural and substantive due process of law, et al; by excessive and unreasonable delay in obtaining relief by habeas corpus law, while being further subjected to illicit prolonged incarceration, based upon no probable cause, as can be firmly established;

5. That the Plaintiff-detainee should be allowed to proceed to an evidentiary hearing should this Honorable District Court question or doubt the veracity of the pleading(s), the handwritten affidavit, and memorandum which this petitioner-detainee has already previously provided for the Court's review;

WHEREFORE the Plaintiff-detainee humbly and respectfully prays for this Honorable District Court to hear and grant this pleading for an evidentiary hearing;

Respectfully Submitted;

Date: 01-12-08

By: James Russell Johnson

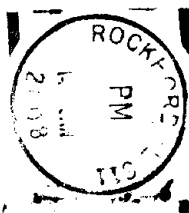
Mr. James Russell Johnson

Petitioner-detainee

James R. Johnson
MID# 1716
650 West State
Rockford, Ill. 61101

Legal
Services

United States District Court Clerk
211 South Court Street
Rockford, Illinois. 61101



USA 41

61101+1213-99 C010

